



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12269 of 2021

A.Mohammed Nawaz

... Petitioner/Accused No.2

Vs

The State rep.by
The Sub Inspector of Police,
Thilagar Thidal Police Station
Madurai City
Crime No.423 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.ALEXANDER,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.423 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 381 I.P.C, in Crime No.423 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the first accused in this case has stolen a bike, worth about 10,000/- and handed it over to this petitioner and thereafter, this petitioner sold it to some third parties. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner was working as a driver in the defacto complainant's hardware shop and he left the job in the month of June 2021 itself and on 22.08.2021, the petitioner got married. When the petitioner left his job, the defacto complainant insisted him not to leave the job before any one joins on his place. Despite the same, the petitioner left the job and on that motive, the defacto complainant foisted a false case as against this petitioner. He would further



submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case and hence, he seeks for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the bike has been recovered from first accused. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the fact that the bike in question has been recovered from the first accused and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/08/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.II
MADURAI.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3.THE SUB INSPECTOR OF POLICE,
THILAGAR THIDAL POLICE STATION
MADURAI CITY.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.A.ALEXANDER, Advocate SR.No.5815

ORDER

IN

CRL OP(MD) No.12269 of 2021
Date :31/08/2021

SA/PN/SAR.4/14.09.2021/3P/6C